



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: October 20, 2016

To: Patrick Dwyer, Chair, & Members, Zoning Board of Adjustment

From: Robert Price, Assistant Planner

Subject: **Skip John M. Moir, Jr. of Skippers Marine Corp. (petitioner/owner)** — Variance under Section 3.02.A (Note 3) of the Zoning Ordinance to permit parking within 50 feet of Daniel Webster Highway whereas a 50 foot setback is required. The parcel is located at 54 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 029. Case # 2016-38.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

Map 2D, Lot 029 is located at 54 Daniel Webster Highway. The parcel is located in the I-1 (Industrial) and Aquifer Conservation Districts and is 0.847 acres in size. It is serviced by municipal sewer and water (Pennichuck). The lot is abutted by a residence to the north, a small portion of the Bower's Landing Apartment complex at the southwest corner of the parcel, and businesses on all other sides.

The petitioner is proposing to park and store boats and marine equipment within 50 feet of Daniel Webster Highway whereas a 50 foot setback is required (specifically called out as a landscaped buffer zone in Note 3). The petitioner intends to position boats on both sides of the entrance drive to display them for sale.

Staff notes that this property has been the subject of numerous enforcement actions for site plan violations related to parking over the last few years. This petition before the Board is part of an attempt by the owner to amend his site plan to better-reflect what he describes are his true operational needs. He will be appearing before the Planning Board in November.

Standard of Review:

It is the burden of the petitioner to demonstrate that the five criteria for the granting of the variance under Section 3.02.A (Note 3) of the Zoning Ordinance have been met to permit parking within 50 feet of Daniel Webster Highway whereas a 50 foot setback is required.

Should the Board vote to grant the Variance, Staff recommends that it be granted with the following condition attached:

- Petitioner shall obtain Planning Board approval for the proposed revisions to the site plan.

Cc: Zoning Board File
Correspondence

Ec: Skip Moir, owner (skip@skipsmarine.com)
Chief Mark Doyle, Merrimack Police Department
Captain John Manuele, Merrimack Fire Department
Building Department Staff

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